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Assistant Attorney General
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State Office Building, Room 3110
Salt Lake City, UT 84114
Telephone (801) 538-3872

**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH**

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

**STIPULATION
&
ORDER**

RESPONDENT:

THOMAS M. TUFT
P.O. Box 711597
Salt Lake City, UT 84121-8597
License No. 21477

Docket No. 2005-007 PC

Enf. Case No. 1556

STIPULATION

1. Respondent, Thomas M. Tuft, is a licensed insurance agent in the State of Utah, holding License No. 21477.
2. Respondent stipulates with the Complainant, Utah Insurance Department, as follows:
 - a. If a hearing were held, witnesses called by the Complainant could offer and introduce evidence that would support the Findings of Fact herein;
 - b. Respondent admits the Findings of Fact and Conclusions made therefrom;
 - c. Respondent stipulates to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and

d. Respondent and Complainant have negotiated the terms of the Order entered herein and Respondent agrees to its entry and further agrees to be bound by all its terms.

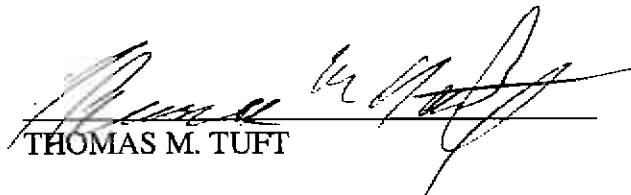
3. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.

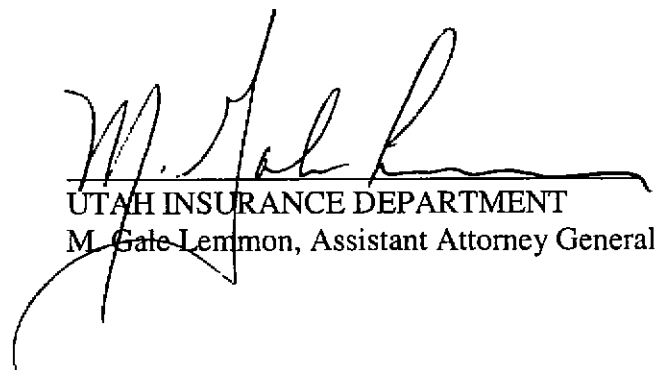
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to his rights set forth herein.

6. Respondent acknowledges that the issuance of this Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 13 day of THU, 2005.


THOMAS M. TUFT


UTAH INSURANCE DEPARTMENT
M. Gale Lemmon, Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. Respondent filed electronically for the renewal of his license on or about June 21, 2004.
2. As a part of his renewal application, Respondent certified that he had completed all required continuing education for the renewal of his license.
3. On or about September 27, 2004, the department under took a routine audit of Respondent's continuing education compliance. It was determined that Respondent had completed only 15 hours of the required 18 hours of continuing education prior to the submission of his renewal application.
4. Respondent completed the additional three hours of continuing education within 30 days of being informed of the deficiency by the department.
5. In the previous renewal of Respondent's license in 2002, he also failed to complete all the required continuing education prior to submitting his application for renewal and also falsely certified on that renewal that he had completed the continuing education requirements.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. In falsely certifying on his renewal application that he had completed the required continuing education prior to submitting that application, Respondent violated Utah Code

Annotated §§ 31A-23a-402(1)(a)(i) and 31A-2-202(6).

2. In failing to complete the required continuing education prior to submitting his application for renewal, Respondent violated Utah Code Annotated § 31A-23a-202(3)(c).

3. Respondent's license should be placed on probation pursuant to Utah Code Annotated §§ 31A-23a-112(1)(a) and 31A-23a-111(4)(b)(ii)(A), and is subject to forfeitures of up to \$2,500.00 per violation pursuant to Utah Code Annotated § 31A-2-308(1)(b)(i).

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the Presiding Officer herewith enters the following Order:

ORDER

IT IS HEREBY ORDERED:

1. Respondent is assessed an administrative forfeiture in the amount of \$500.00, to be paid within 30 days of the date of this Order.

2. Respondent's insurance agent's license is placed on probation for a period of 24 months beginning with the date of this Order. The terms of probation are that Respondent shall pay the administrative forfeiture assessed herein in a timely manner; Respondent shall complete all required continuing education prior to the submission of his next application for renewal of his insurance agent's license; and, Respondent shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner.

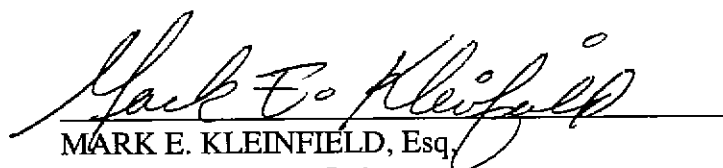
NOTIFICATION

Respondent is hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$2,500.00 per violation and the suspension or revocation of your license, and the filing of an action to enforce this Order in the

District Court, which may impose penalties of up to \$10,000.00 per day for continued violation.

DATED this 18th day of January, 2005.

D. KENT MICHIE
INSURANCE COMMISSIONER

A handwritten signature in cursive script, reading "Mark E. Kleinfeld", is written over a horizontal line.

MARK E. KLEINFELD, Esq.
Administrative Law Judge
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone (801) 538-3800

Invoice**Due Date** 02-17-2005**Amount Due**

\$500.00

Invoice ID 233622**Payor ID** 52818**Total Amount Remitted**

\$

1530

Make Checks Payable To:

Utah Insurance Department**3110 State Office Building****Salt Lake City, UT 84114-6901**

THOMAS M TUFT
7610 SILVER FORK DR
PO BOX 711597
SALT LAKE CITY UT 84121-8597

Invoice ID 233622**Payor ID** 52818**Invoice Print Date** 01-18-2005**Items:**

01-18-2005 Monetary Penalty Individual

500.00

Amount Due..... \$500.00

CERTIFICATE OF MAILING

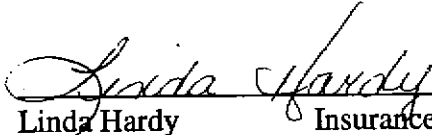
I do hereby certify that on this date I mailed, by regular mail, postage prepaid, a true and correct copy of the attached:

**STIPULATION
&
ORDER**

To the following:

**Thomas M. Tuft
P. O. Box 711597
Salt Lake City, UT 84121-8597**

DATED this 18th day of January, 2005


Linda Hardy Insurance Technician
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114-6901
(801) 538-3813